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Notice of Allowability

Application No.

09/763,732

Examiner

Carl Colin

Applicant(s)

MOOIJ ET AL.

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/21/2007.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material
NASSER MOAZZAMI | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|--|

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

9,128,07

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/21/2007 has been entered.

Response to Arguments

2. In response to communications filed on 8/21/2007, the following claims 1-15 are presented for examination.

3. Applicant's arguments, pages 7-15, filed on 8/21/2007, with respect to the rejection of claims 1-15 have been fully considered, and they are persuasive as amended.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: The prior art of record US Patent 5,991,399 to Graunke et al teaches digital content protection in computer systems and more specifically to dynamically and distributing data to a program on a remote system over a network so only a specific trusted player can use the private key to access specific encrypted digital content. The system comprises a tamper resistant key module executed on the

Art Unit: 2136

remote system to check the integrity and authenticity of the program and the integrity of the tamper resistant key module itself. If the validation process is successful, then the encrypted predetermined data is decrypted with the generated private key included in the tamper resistant key module. The prior art of record either alone or in combination fails to teach at least using the information of the appropriate protocol as claimed.

The prior art of record either alone or in combination fails to teach or render obvious more specifically “*a protection device for providing secure device data and for providing information on a protocol for communication between the content player and a secure device arranged to transform the secure device data into information required to decrypt the encrypted data; a control device for providing a protected contents structure containing encrypted data, secure device data, said protocol information and attribute data for finding relevant parts inside the protected contents structure wherein the attribute data comprises information to find in the protected contents structure information on an appropriate protocol for establishing a communication interface using said information of the appropriate protocol between the content player and the secure device for use of the secure device to transform secure device data communicated to the secure device through the communication interface into information required to decrypt the encrypted data*” as claimed in independent claim 1.

The prior art of record either alone or in combination fails to teach or render obvious “*an input for receiving protected contents containing encrypted data, secure device data, information on a protocol for communication between the content player and a secure device arranged to transform the secure device data into information required to decrypt the encrypted data and attribute data for finding relevant parts inside the protected contents, a decryption device and a*

Art Unit: 2136

control device, wherein said secure device data comprises the information required to decrypt the encrypted data and wherein the attribute data comprises information to find in the protected contents information on an appropriate protocol for communication between the content player and the secure device for retrieving the information required to decrypt the encrypted data wherein the control device is programmed to use the attribute data to find the appropriate protocol information to establish a communication interface using said information of the appropriate protocol between the decryption device and a secure device used with the content player; wherein the decryption device is suitable for communicating with the secure device as controlled by the protocol information to obtain the information required by the decryption device to decrypt the encrypted data and generated by the secure device by transforming secure device data communicated to the secure device through the communication interface” as claimed in independent claim 3.

The prior art of record either alone or in combination fails to teach or render obvious “receiving a protected contents structure containing secure device data, information on a protocol for communication between the content player and a secure device arranged to transform the secure device data into information required to decrypt the encrypted data and attribute data for finding relevant parts inside the protected contents structure wherein said secure device data comprises information required to decrypt the encrypted data, the attribute data comprising information to find in the protected contents information on an appropriate protocol for communication between the content player and the secure device for retrieving the information required to decrypt the encrypted data, and retrieving said protocol information from the protected contents structure to establish a communication interface using said

information of the appropriate protocol between the decryption device and a secure device used with the content player to transform secure device data communicated to the secure device through the communication interface into information required to decrypt the encrypted data” as claimed in independent claim 10.

The prior art of record either alone or in combination fails to teach or render obvious *“providing information on a protocol for establishing a communication interface between the content player and a secure device arranged to transform the secure device data communicated to the secure device through the communication interface into information required to decrypt the encrypted data; providing protected contents containing the encrypted data, the secure device data, the protocol information and attribute data; and broadcasting the protected contents; wherein the attribute data comprises information to find in the protected contents information on an appropriate protocol for communication between the content player and the secure device” as claimed in claim 15.*

Consequently, independent claims 1, 3, 10, and 15 are allowable over the prior art of record. Claims 2, 4-9, and 11-14 are either directly or indirectly dependent upon claims 1, 3, and 10, and consequently are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C.C./

Carl Colin
Patent Examiner, A. U. 2136
September 26, 2007

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SUPERVISORY PATENT EXAMINER
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9,28,07